

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF WISCONSIN**

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IN RE: )  
**JAMES L. STEWART** ) Case No. 14-31867-svk  
 )  
 ) CHAPTER 13  
DEBTOR )  

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**AMENDED NOTICE AND REQUEST TO MODIFY CHAPTER 13 PLAN**

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NOTICE IS HEREBY GIVEN THAT:

The Debtor has filed papers with the court requesting modification of the Chapter 13 Plan in the above case.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the court to modify the plan as proposed, or if you want the court to consider your views on the request, **then on or before 21 days after service of the notice**, you or your attorney must:

File with the court a written request for hearing which shall contain a short and plain statement of the factual and legal basis for the objection. File your written request at:

Clerk of Bankruptcy Court  
517 East Wisconsin Ave.  
Room 126  
Milwaukee, WI 53202

If you mail your request to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also mail a copy to:

Bankruptcy Law Office of Richard A. Check  
757 N. Broadway, Ste. 401  
Milwaukee, WI 53202

If you or your attorney, do not take these steps, the court may decide that you do not oppose the request and may enter an order modifying the plan.

Prepared By:  
Attorney Richard A. Check, Esq.  
757 N. Broadway, Suite 401  
Milwaukee, WI 53202  
Phone: 414-223-0000  
Fax: 414-223-3245  
rickchecklaw@aol.com

## **REQUEST TO MODIFY CHAPTER 13 PLAN**

1. The Proponent of this modification is:

the Debtor;

the Chapter 13 Trustee (post-confirmation modifications only);

the holder of an unsecured claim

2. This is a request to modify a Chapter 13 Plan (Select A. or B.):

A.  post-confirmation;

B.  pre-confirmation (Select i. or ii.);

i.  Debtor(s)/Debtor(s) attorney certifies that the proposed modification does not materially adversely affect creditors (Local Bankruptcy Rule 3015(b)); or

ii.  Debtor(s)/Debtor(s) attorney certifies that the proposed modification materially adversely affects only the following creditors and a copy of the proposed modification has been served on them (Local Bankruptcy Rule 3015(b)). The creditors affected are: See certificate of service.

3. The Proponent wishes to modify the Chapter 13 Plan to do the following:

\*Debtor to increase Chapter 13 plan payments to \$176 bi-weekly for the 60 month plan.

4. The reason(s) for the modification is/are:

\*Debtor to pay Capital one Auto Finance for the 2007 Cadillac Escalade-V8 in the amount of \$16,438.59 plus the interest rate of 5.25% through the plan.

\*Debtor to pay Bass & Associates, P.C. for the secured claim (#2) in the amount of \$712.00 plus 4.25% interest through the plan.

5. Select A. or B.

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A.       The Chapter 13 Plan confirmed or last modified on XXXX is modified as follows:

B. X The unconfirmed Chapter 13 Plan filed September 22, 2014 is modified as follows: \*Debtor to increase Chapter 13 plan payments to \$176 bi-weekly for the 60 month plan.

\*Debtor to pay Capital one Auto Finance for the 2007 Cadillac Escalade-V8 in the amount of \$16,438.59 plus the interest rate of 5.25% through the plan.

\*Debtor to pay Bass & Associates, P.C for the secured claim (#2) in the amount of \$712.00 plus 4.25% through the plan.

All remaining terms and provisions of the Plan are unaffected unless specifically addressed herein. In the event of a conflict between the original Plan and the modification set forth above, the latter shall supersede and control.

**6. BY SIGNING BELOW THE PROPONENT OF THE MODIFICATION**

**CERTIFIES THAT, AFTER REVIEW OF THE MODIFICATION AND ALL OTHER TERMS AND PROVISIONS OF THE PLAN, THOSE REMAINING TERMS AND PROVISIONS OF THE PLAN ARE CONSISTENT WITH THE PROPOSED MODIFICATIONS.**

**CERTIFICATION**

I, Attorney Richard A. Check, attorney for Debtors, certify that I have reviewed the modification proposed above with the Debtor(s), and that the Debtor(s) has/have authorized me to file it with the court.

S://

11/6/2014

Prepared By:  
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Milwaukee, WI 53202  
Phone: 414-223-0000  
Fax: 414-223-3245  
rickchecklaw@aol.com

Attorney Richard A. Check

Date

WHEREFORE, the Proponent requests that the court approve the modification to the Chapter 13 Plan as stated herein.

Dated November 6, 2014 in Milwaukee, WI 53202

Signature: S:// \_\_\_\_\_  
Richard A. Check  
#10122-04  
Attorney for Debtor(s)

**CERTIFICATE OF SERVICE**

I hereby certify that on November 6, 2014 a copy of the Notice and Request to Modify Chapter 13 plan was electronically filed with the Clerk of Court and served upon the following parties using the ECF System or by first class United States Mail, postage prepaid:

Date: 11/6/2014

/s/: \_\_\_\_\_  
Nadine Relihan  
Paralegal for Attorney Richard A. Check

James L. Stewart  
3706 N 51<sup>st</sup> BLVD  
Milwaukee, WI 53216-2937

Capital One Auto Finance  
Attn: Iris Estrada  
1212 Corporate Drive, Suite 400  
Irving, TX 75038

Bass & Associates, P.C.  
3936 E Ft. Lowell Suite 200  
Tucson, AZ 85712

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